

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FERNANDO CORIA, JR.,

Plaintiff,

v.

M. GARCIA, et al.,

Defendants.

1:20-cv-01652-NONE-GSA (PC)

**ORDER IN RESPONSE TO PLAINTIFF'S
INQUIRY ABOUT SERVICE
(ECF No. 17.)**

I. BACKGROUND

Fernando Coria, Jr. ("Plaintiff") is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on November 20, 2020. (ECF No. 1.)

On February 11, 2021, Plaintiff sent an inquiry to the court about initiation of service in his case. (ECF No. 17.)

II. SCREENING AND SERVICE OF PROCESS

The court is required by law to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity, such as the instant action brought pursuant to 42 U.S.C. § 1983. 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally "frivolous or

malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2).

With respect to service, the court will, *sua sponte*, initiate service of the Complaint only after the court has screened the Complaint and determined that it contains cognizable claims for relief. Plaintiff does not need to initiate service himself. Here, Plaintiff’s Complaint awaits the court’s requisite screening and therefore it is not time for service in this case.

III. CONCLUSION

This order resolves Plaintiff’s inquiry about initiation of service.

IT IS SO ORDERED.

Dated: February 19, 2021

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE